



BOARD OF COMMISSIONERS

1 S. Main St., 9th Floor
Mount Clemens, Michigan 48043
586-469-5125 FAX 586-469-5993
macombcountymi.gov/boardofcommissioners

August 25, 2009

Honorable Michael Switalski
410 Farnum Building
P.O. Box 30036
Lansing, MI 48909-7536

Dear Senator Switalski:

The Macomb County Board of Commissioners supports the concept of legislation that would delay or postpone the holding of an election to fill a circuit court vacancy where such vacancy occurs due to the ineligibility of a sitting circuit judge to run for re-election due to the age restrictions imposed by state law.

As you know, there has been public disclosure of a vote that was taken by the current sitting Circuit Court Judges that supports this concept. It is our intent to have a formal Resolution adopted in September that provides the Macomb County Board of Commissioners the authority to exercise this option. Prior to formal adoption, we wanted to communicate our support for the concept that you've brought forward.

We respectfully urge you to continue to advocate on behalf of Macomb County and all of the Counties throughout the State in this time of a budget crisis. The current savings to Macomb County by not filling a Circuit Judge seat will exceed \$550,000 a year for each seat not filled.

Please forward a copy of this letter to others as a showing of support of your efforts to help Counties save significant dollars through your proposed legislation.

Respectfully submitted,

Carey Torrice
Paul Gielegem
Joan Flynn
Kathy Tocco
William A. Crouchman
Michael A. Boyle
Kathy D. Vosburg
Jeffery S. Sprys
David J. Flynn
James L. Carabelli
Don Brown
Brian Brdak
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Board of Commissioners

2009

RESOLUTION NO.	Eighty-Nine
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Official Resolution of the Board of Commissioners
Macomb County, Michigan

*A Resolution Supporting Legislation to Allow Counties to
Delay Filling of a Vacancy Occurring in the Office of
Circuit Court Judge Due to the Ineligibility of an
Incumbent Judge to Seek Re-election*

Commissioner William A. Crouchman,
On Behalf of the Board of Commissioners,
Offers the Following Resolution:

Whereas, the County of Macomb is the control unit for the 16th Judicial Circuit Court and as such is responsible for providing personnel, equipment, and a courtroom for each Circuit court Judge; and

Whereas, pursuant to State Statute, the 16th Judicial Circuit court has 13 Judges in its Circuit, all of which positions are currently filled; and

Whereas, any person holding the Office of Circuit Court Judge must meet the statutory eligibility requirements for said office which includes, at the time of his or her election, that the person be less than 70 years of age; and

Whereas, the term of office for four of the presently sitting Judges of the 16th Judicial Circuit court will end on December 31, 2010; and

Whereas, two of the four Judges are not eligible for re-election due to the age restrictions imposed by State Law; and

Whereas, the County of Macomb is facing a projected loss of revenue in the year 2010 of more than \$15 million and in the year 2011 more than \$16 million; and

Whereas, allowing a local unit of government to determine the level of services available to its citizens based upon many factors including their inability to pay for said services is fundamental to the concept of home rule; and

Whereas, it is estimated that the cost to the County to provide personnel and equipment for a Circuit court Judge exceeds \$570,000 a year. It is incumbent upon the State Legislature to allow Macomb County and other counties similarly situated to have the option to delay the election to fill a circuit court vacancy created by the ineligibility of an incumbent judge to seek re-election.

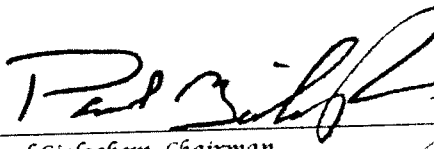
Now Therefore Be It Resolved By The Board Of Commissioners, Speaking For And On Behalf Of All County Citizens As Follows:

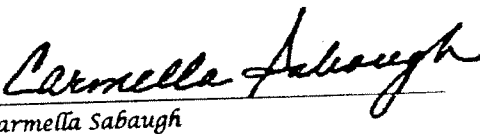
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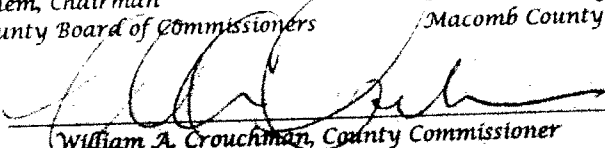
That By These Presents, the Macomb County Board of Commissioners hereby supports legislation to grant to Counties the choice to delay the holding of an election to fill a vacancy of a Circuit Court Judgeship due to the ineligibility of the incumbent judge to seek re-election.

II

Be It Further Resolved that a suitable copy of this Resolution be sent to all State Representatives and Senators from Macomb County as well as the Michigan Association of Counties (MAC) asking for their support for the proposed legislation.


Paul Gielegheem, Chairman
Macomb County Board of Commissioners


Carmella Sabaugh
Macomb County Clerk


William A. Crouchman, County Commissioner
District 23

revised estimate

MACOMB COUNTY
COST OF CIRCUIT COURT JUDGE-CRIMINAL

<u>DEPARTMENT/POSITION</u>	<u>SALARY</u>	<u>FRINGES</u>	<u>OPERATING</u>	<u>TOTAL</u>	<u>REVENUE</u>	<u>NET COST</u>
<u>CIRCUIT COURT</u>						
JUDGE	45,724	29,148	0	74,872	45,551	29,321
COURT REPORTER	58,277	33,181	0	91,458	0	91,458
JUDICIAL SECRETARY	48,922	30,176	0	79,098	0	79,098
 COST OF OPERATIONS			79,427	79,427	0	79,427
<u>PROSECUTING ATTORNEY</u>						
APA IV	90,797	43,630	0	134,427	0	134,427
<u>CLERK</u>						
JUDICIAL COURT CLERK	40,773	27,557	0	68,330	0	68,330
<u>SHERIFF</u>						
DEPUTY COURT OFFICER	57,746	33,011	0	90,757	0	90,757
 TOTAL	342,239	196,703	79,427	618,369	45,551	572,818

(1) SEE ATTACHED

8/5/2009

Prepared By: Dave Stiteler

Money would be saved by leaving bench posts vacant

Macomb County Circuit Court judges are at odds over proposed legislation that would reduce their number from 13 to 11 when two judges retire in 2010.

That's not surprising, considering the remaining judges would have to pick up the extra work.

Still, it's refreshing to know that seven of the current judges recently voted in favor of eliminating the posts when judges Antonio Viviano and James Biernat are forced to retire under a state law that prohibits those 70 years of age or older from seeking re-election.

"So my caseload goes up. Big deal," said Judge Mary Chrzanowski. "We'll continue to get the job done. Cuts are coming. We believe they should start at the top."

Chrzanowski's remarks were included in a press release issued last week by the seven judges who favor a reduction in the size of the Circuit Court bench.

The press release was disputed by Chief Judge Richard Caretti, who disapproves of the reduction and said the vote was only advisory and should not have been made public.

Judge Caretti even said the press release violated a Michigan court rule that states the chief judge serves as spokesperson for the court. That rule, however, "is not an outright ban" on other judges making public comments, according to Marcia McBrien, spokesperson for the State Administrative Office.

Petty politicking aside, the primary issue is whether the Circuit Court can operate efficiently with 11 judges, thereby saving tax dollars.

And who knows the workload — and what can be done to save money — better than the judges themselves?

The legislation proposed by state Sen. Michael Switalski would allow circuit courts statewide to leave open vacancies created when judges retire.

The plan is designed to save money to offset the faltering economy's decimation of government budgets. It would affect nine judicial posts statewide, including two in Macomb and one in Oakland.

In Macomb County, the reduction would save \$1.8 million over two years.

It might be more than coincidence that Michael Switalski has two brothers, Matthew and Mark, who are circuit court judges in Macomb County.

We'll assume the state senator has discussed his proposal with his brothers, both of whom are in favor of the legislation.

Additional support includes the Oakland County Circuit Court judges, the Michigan Judges Association, Michigan Judicial Conference and Michigan Association of Counties.

Hopefully, the Michigan Legislature will also see the proposal for what it is — a method of saving tax dollars by having a few do a little more.

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